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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,909	04/05/2004	Marcus Dill	13906-196001 / 2004P00240	2650
32864 7590 06/27/2008 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER HARPER, LEON JONATHAN	
			ART UNIT 2166	PAPER NUMBER
			MAIL DATE 06/27/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/816,909	Applicant(s) DILL ET AL.	
	Examiner Leon J. Harper	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14,17-28 and 31-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14,17-28 and 31-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/5/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed 3/12/2008 has been entered. Claims 35-40 have been added. No claims have been cancelled or amended. Accordingly, claims 1,3-14,17-28 and 31-40 are pending in this office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1,3-14, 17-28,31-40 are rejected under 35 U.S.C. 102(e) as being anticipated by US 20030115192 (hereinafter Kil)

As for claim 1 Kil discloses: a process list display configured to:

Display identifications of data analysis process (Figure 2 item 265), and

Receive user input selecting an entry of an identification of a data analysis process (See figure 3 note: natural language selection: also see figure 3 note: user refinements, also see paragraph 0017); and

A data analysis display configured to:

Display representations of sub-processes included in the data analysis process identified by the selected entry, the displayed representations of sub-processes including:

A representation of a data mining sub-process for creating a data attribute by performing an analytical process on data from an analytical processing data source (See figure 2),

A representation of at least one of (1) an extraction sub-process for extracting data from a first transactional data source, (2) a transformation sub-process for transforming the extracted data from a data format used by the first transactional data source to a data format used for analytical processing, and (3) a loading sub-process for loading data into analytical processing data source, and a representation of a deployment sub-process for storing the created data attribute in one of the first transactional data source, a second transactional data source other than the first transactional data source or a second analytical data source used for analytical processing, and

Display connections between the displayed sub-process, the connections indicating a sequence with which the displayed sub-process are performed when performing the data analysis process (See figure 8, and paragraphs 0017 and 0018).

As for claim 3, the rejection of claim 1 is incorporated, and further Kil discloses: wherein each type of the sub-processes displayed in the data analysis process display is represented by a different shape than shapes representing other types of sub-processes displayed in the analysis sub-process display (See figures 8,9 and paragraph 0087).

As for claim 4, the rejection of claim 1 is incorporated, and further Kil discloses: wherein the graphical user interface further comprises controls configured to add types of sub-processes to the data analysis process displayed in the data analysis display (See figures 1-3 and paragraph 0085).

As for claim 5, the rejection of claim 4 is incorporated, and further Kil discloses: wherein the controls comprise one or more of a control for configured to add an extraction sub-process, a control for configured to add a load sub-process, a control for adding an analysis sub-process, and a control configured to add a deployment sub-process (See paragraph 81).

As for claim 6, the rejection of claim 1 is incorporated and further Kil discloses:

wherein the graphical user interface further comprises a control for configured to display information about status of the data analysis process (See paragraph 000087).

Claim 7 is a computer program product substantially corresponding to claim 1 and is thus rejected for the same reasons as claim 1.

As for claim 8, the rejection of claim 7 is incorporated, and further Kil discloses: wherein: the data source is a transactional data source, and the deployment sub-process stores the created data attribute in the transactional data source (See paragraph 0082).

As for claim 9, the rejection of claim 8 is incorporated, and further Kil discloses: wherein the deployment sub-process stores the created data attribute in one of the data source, a second transactional data store other than the transactional data source, or a second analytical data store other than the analytical data used for the data mining sub-process (See paragraph 0090).

As for claim 10, the rejection of claim 7 is incorporated, and further Kil discloses: wherein graphical user interface is configured to receive user input defining how a particular error is to be processed during the data analysis process (See paragraph 0080).

As for claim 11, the rejection of claim 7 is incorporated, and further Kil discloses: wherein the graphical user interface is configured to receive user input identifying a computing device or a component of a computing device to be used during the execution of one of the identified sub-processes (See paragraph 0080).

As for claim 12, the rejection of claim 7 is incorporated, and further Kil discloses: wherein the graphical user interface is configured to receive user input identifying an order in which each of the identified sub-processes are to be performed when performing the data analysis process (See paragraph 0081).

As for claim 13, the rejection of claim 7 is incorporated, and further Kil discloses: wherein the graphical user interface is configured to receive user input identifying when the data analysis process is to be initiated (See paragraph 0079-0084).

Claim 14 is method claims comprising substantially the same limitations as claim 7 and is thus rejected for the same reasons as claim 7.

As for claim 17, the rejection of claim 14 is incorporated, and further Kil discloses: wherein one of the sub-process inputs comprises a sub-process user input identifying a computer program that causes the identified sub-process to be performed (See paragraph 0080).

As for claim 18, the rejection of claim 14 is incorporated, and further Kil discloses: receiving user inputs of meta-data elements to be used in the data analysis process wherein each meta-data element is associated with 1) a corresponding data element in the first transactional data source, 2) a corresponding data element in the analytical processing data source, or 3) both a corresponding data element in one of the first and second transactional data sources and a corresponding data element in the analytical processing data source (see paragraph 0078).

As for claim 19, the rejection of claim 14 is incorporated, and further Kil discloses: wherein each of the multiple sub-processes use a common message format (See paragraph 0090).

As for claim 20, the rejection of claim 14 is incorporated, and further Kil discloses receiving user input defining how a particular error is to be processed during the data analysis process (See paragraph 0080).

As for claim 21, the rejection of claim 14 is incorporated, and further Kil discloses: receiving user input identifying a computing device or a component of a computing device to be used during the execution of one of the multiple sub-processes (See paragraph 0080).

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As for claim 22, the rejection of claim 14 is incorporated, and further Kil discloses: receiving user input identifying an order in which the multiple sub-processes are to be performed when performing the data analysis process (See paragraph 0080).

As for claim 23, the rejection of claim 14 is incorporated, and further Kil discloses: comprising receiving user input identifying when the data analysis process is to be initiated (See paragraph 0080).

As for claim 24, the rejection of claim 14 is incorporated, and further Kil discloses: wherein a deployment sub-process comprises a first deployment sub-process for storing a data attribute created in another of the identified sub-processes in a first data store and the multiple identified sub-process further include a second deployment sub-process for storing the data attribute in a second data store (See paragraph 0090).

As for claim 25, the rejection of claim 24 is incorporated, and further Kil discloses: wherein the first data store is the same as the second data store (See paragraph 0073).

As for claim 26, the rejection of claim 24 is incorporated, and further Kil discloses: wherein the first data store is different from the second data store (See paragraph 0073 note: the data stores or databases do not have to be the same).

As for claim 27, the rejection of claim 26 is incorporated, and further Kil discloses: wherein the first data store comprises a transactional data store and the second data store comprises an analytical data store (See paragraph 0072).

Claims 28-32 are computer program product claims corresponding to the computer implemented method of claims 14-18 respectively and are thus rejected for the same reasons as claims 14-18.

As for claim 33, the rejection of claim 28 is incorporated, and further Kil discloses: wherein the at least one of the identified sub-processes is a deployment sub-process comprises a first deployment sub-process for storing a data attribute created in another of the identified sub-processes in a first data store and a second deployment sub-process for storing the data attribute in a second data store (See paragraph 0089).

Claim 34 is a system claim corresponding to the method of claim 14 and is thus rejected for the same reasons as claim 14.

Claims 35-40 are computer program product claims substantially corresponding to claims 1,3-14, 17-28,31-34 and are thus rejected for the same reasons as set forth in the rejection of claims 1,3-14,17-28,31-34.

Response to Arguments

Applicant's arguments filed 3/12/2008 have been fully considered but they are not persuasive.

Applicant argues:

Kil user interface, however, does not display representations of sub-processes included in a data analysis process, much less a representation of a deployment sub-process for storing a created data attribute in one of a first transactional data source, a second transactional data source other than the first transactional data source, or a second analytical data source used for analytical processing. Rather, the Kil user interface displays a text box for entering natural language input and information (e.g., fields/variables) used in an identified data mining operation, none of which are representations of sub-processes included a data analysis process.

Examiner responds:

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims- Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA

1969). In this case Kil displays representations of a deployment sub-process for storing a created data attribute (See figure 2)

Applicant argues:

Furthermore, Applicants submit that the Kil system fails to display connections between the displayed sub-processes, the connections indicating a sequence with which the displayed sub- processes are performed when performing the data analysis process.

Examiner responds:

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims- Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case any procedure that is done as part of the overall process is a subprocess, accordingly, Kill discloses: display connections between the displayed sub-processes, the connections indicating a sequence with which the displayed sub-processes are performed when performing the data analysis process (See paragraphs 0017-0018 and 0071-0074).

Applicant argues:

Independent claim 7 recites, inter alia, a common data display configured to receive user input indicating an entry of selected meta-data elements to be used in the data analysis process wherein each meta-data element is associated with a corresponding data element in the data source and with a corresponding data element in the analytical processing data source. Applicants submit that Kil fails to describe or suggest at least this feature. Specifically, the Office action indicates that claim 7 "is a computer program product substantially corresponding to claim 1 and is thus rejected for the same reasons as claim 1." Office action of December 12, 2007 at page 5. However, claim 7 includes features that are different than features of claim 1 and, therefore, these features have not been addressed in the Office action. Applicants respectfully submit that the failure of the Office action to address the features of independent claim 7 is improper and respectfully request an indication that independent claim 7 is allowable or, if the rejection is to be maintained, that each feature of claim 7 be specifically addressed in another non-final Office action.

Examiner responds:

Examiner is not persuaded. Subsequent to an analysis of the claims it was revealed that a number of limitations recited in the claims belong in the prior art and thus encompassed and/or implicitly disclosed in the reference (s) applied and cited. It is logical for the examiner to focus on the limitations that are "crux of the invention" and

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not involve a lot of energy and time for the things that are not central to the invention, but peripheral. The examiner is aware of the duties to address each and every element of claims, however, it is also important that a person prosecuting a patent application before the Office or an stakeholders of patent granting process make effort to understand the level of one of ordinary skill in the (data processing) art or the level one of skilled in the (data processing) art, as encompassed by the applied and cited references. The administrative convenience derived from such a cooperation between the attorneys and examiners benefits the Office as well the patentee.

In view of the above, the examiner contends that all limitations as recited in the claims have been addressed in this Action.

For the above reasons, Examiner believed that rejection of the last Office action was proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J. Harper
June 22, 2008

/Hosain T Alam/
Supervisory Patent Examiner, Art Unit 2166